· UNITED STATES OF AMERICA		DO NO	T WRITE IN	THIS SPACE		
NATIONAL LABOR RELATIONS BOARD	Case			Date filed		
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		B-162021		OCTOBER 16, 2015		
INSTRUCTIONS: File an original of this charge with the N	ILRB Regional D	irector of the regio	n in which th	ne alleged unfair labor practice		
occurred or is occurring.	TTO ACENTO AC	AMETIC COA	OF 10 000	AU P		
LABOR ORGANIZATION OF     a. Name	CIIS AGENTS AG	b. Union Represe				
UNITED FOOD AND COMMERCIAL WORKERS	S LOCAL 400	(b) (6), (b) (7)				
c. Address		d. Tel. No.	e. Cell N	No.		
600 D Street #250		(b) (6), (b) (7)(C)				
South Charleston, WV 25303			il.			
,		f. Fax No.	g. e-Ma	1		
8(b)(1)(A) of the National Labor Relations Act, and these the Act, or are unfair practices affecting commerce within 2. Basis of the Charge (set forth a clear and concise stateme Since about July 1, 2015, the above-named is failing to conduct meetings with bargaining un	the meaning of the facts con abor organizate nit employees	e Act and the Postal stiluting the elleged tion has failed in and failing to pro	Reorganizati unfair labor p	represent employees by		
information related to the status of the curren	t labor agreen	nent.				
3. Name of Employer	<del></del>	4a. Tel. No.	4b. Cell	No.		
Clearon Corp.		(304) 746-				
		3000				
		4c. Fax No.	4d. e-Ma	10		
5. Location of Plant Involved (street, city, state, and ZIP code	0)	6. Employer repre	sentative to	contact		
85 McCorkle Avenue	•	Michael Struble				
South Charleston, WV 25303		HR Manage				
7. Type of Establishment (factory, mine, wholesaler) 8.	. Principal produc			. Number of Workers employed		
,	owdered Blea			75		
10. Full hame of party filing charge	Ordered Dies	11a, Tel. No.		1b. Ceil No.		
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C	1/77	o) (6), (b) (7)(C)		
		11c, Fax No.		1d e-Mall		
		, TIC. PAX NO.		b) (6), (b) (7)(C)		
11. Address of party filing charge (streat, city, state, and ZIP)	code)			b) (0), (b) (1)(C)		
			.*			
(b) (6), (b) (7)(C)	12. DECLARA	TION				
I declare that I have read the above charge and the			the best of	my knowledge and bellef.		
			T	el No.		
(b) (6), (b) (7)(C)	(b) (6), (b	) (7)(C), an Indi	vidual			
(signature of representative or person making charge)	Print/type nan	ne and title or office,	Cell No. (b) (6), (b) (7)(C)			
Address:		Date:		ax No.		
Addless: (b) (6), (b) (7)(C)		10/9/	Sau-  -	16.0		
		1 / 0 / 7/~	2U/\ 10	e-Mail (b) (6), (b) (7)(C)		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

NATIONAL LABOR F
REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

December 8, 2015

BLAINE TAYLOR BUTSAVAGE & DURKALSKI, P.C. 1920 L STREET, N.W., SUITE 301 WASHINGTON, DC 20036-5037

Re: UNITED FOOD AND COMMERCIAL

WORKERS LOCAL 400 (Clearon Corp.)

Case 09-CB-162021

Dear Mr. Taylor:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Garey Edward Lindsay Regional Director

ce: (b) (6), (b) (7)(C) - UNITED FOOD AND COMMERCIAL WORKERS LOCAL 400 - 600 D ST STE 250 - SOUTH CHARLESTON, WV 25303-3118

(b) (6), (b) (7)(C)

MICHAEL STRUBLE, HR REPRESENTATIVE - CLEARON CORP. 95 MCCORKLE AVE SW - SOUTH CHARLESTON, WV 25303-1411

KEVIN L. CARR - SPILMAN, THOMAS & BATTLE, PLLC PO BOX 273 - CHARLESTON, WV 25321-0273

CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS  O9-CB-143238  December 19, 2014  INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.  1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT  a. Name UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO  c. Address 405 Capitol St Ste 808 Charleston, WV 25301-1730  d. Tel. No. (304)459-3400 (304)629-2864 (f. Fax No. g. e. Cell No. (304)629-2864 (f. Fax No. g. e. Allali cmiller@local400.org  h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set furth a clear and concise statement of the facts constituting the alleged unfair labor practices)  Since about December 8, 2014 the above-named labor organization has failed to meet its duty of fair representation to employees who will retire in failing to enforce contract provisions regarding insurance benefits for retiree's spouse  3. Name of Employer CLEARON CORP  4a. Tel. No. 7b 4-7b 6-3b 0 4c. Fax No. (304)744-7694 4d. e-Mail (304)744-7694  MIKE STRUBLE	UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE				
ORITS AGENTS INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.  1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT  2. Name UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO  2. Address 405 Capitol St Ste 808 Charleston, WV 25301-1730  3. Name of Employer CLEARON CORP  4a, Tel. No.  4b, Cell No.  4c, Fax No.  4c, Fax No.  4d, Tel. No.  5c, Yell Clear Contract CHUCK MILLER  4d. Tel. No.  5c, Call No.  6d. Tel. No.  7d. Tele Telever Structure of the Incide constituting the alleged unfair labor practices)  7d. Telever Structure of the Incide constituting the alleged unfair labor practices)  7d. Telever Structure of the Incide constituting the alleged unfair labor practices)  8d. Telever Telever Structure of the Incide constituting the alleged unfair labor practices)  8d. Telever Telever Structure of the Incide constituting the alleged unfair labor practices)  8d. Telever Telever Structure of the Incide constituting the alleged unfair labor practices)  9d. Cell No.  6d. Fax No.  6d. Fax No.  6d. Fax No.  6d. Cell No.  6d. Fax No.  6d. Cell No.  6d. Fax No.  6d. Cell No.  6d. (6d.) (6) (7) (C)  7d.  7d.  7d. Tel. No.  7d. Tel.		Case					
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a. Name UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO  c. Address 405 Capitol St Ste 808 Charleston, WV 25301-1730  h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices affecting commerce within the maning of the Act, or are unfair practices affecting commerce within the maning of the Act, or are unfair practices affecting commerce within the maning of the Act are unfair practices affecting commerce within the statement of the facts constituting the alleged unfair labor practices)  Since about December 8, 2014 the above-named labor organization has failed to meet its duty of fair representation to employees who will retire in failing to enforce contract provisions regarding insurance benefits for retiree's spouse.  3. Name of Employer CLEARON CORP  4a. Tel. No. 7b \( \frac{1}{2} \) \( \frac{1}{2} \	OR ITS AGENTS			,	-		
a. Name UNITED FOOD AND COMMERCIAL WORKERS, UNITED FOOD AND COMMER		e NLRB Regional Di	irector of the region i	n which the a	lleged unfair labor practice		
D. Union Representative to Contact UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO  C. Address 405 Capitol St Sie 808 Charleston, WV 25301-1730  h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act, and the Postal can the Postal erganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  Since about December 8, 2014 the above-named labor organization has failed to meet its duty of fair representation to employees who will retire in failing to enforce contract provisions regarding insurance benefits for retiree's spouse.  3. Name of Employer CLEARON CORP  4a. Tel. No.  7b. 176 - 3000  4b. Cell No.  7c. 176 - 3000  4c. Fax No.  (3)43/44-7694  4b. Cell No.  7c. 176 - 3000  4b. Cell No.  7c. 176 - 3000  4b. Cell No.  7c. 176 - 3000  4c. Fax No.  (3)43/44-7694  4b. Cell No.  7c. 176 - 3000  4b. Cell No.  7c. 176 - 3000  4c. Fax No.  (5) (6) (6) (7) (C)  11a. Tel. No.  11b. Cell No.  (b) (6) (b) (7) (C)  11c. Fax No.  (6) (6) (b) (7) (C)  11d. Fax No.  (6) (6) (b) (7) (C)  11d. Cell No.  (6) (6) (b) (7) (C)  12d. Cell No.  (6) (6) (b) (7) (C)  15d. (c) (7) (C)  15d. (d)		OB ITS ACENTS AC	MINIST MUICH CHARCE	IS PROJECUT			
UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO  c. Address 405 Capitol St Ste 808 Charleston, WV 25301-1730  f. Fax No.  g. e-Mail cmiller@local400.org f. e-Mail cmiller@		OR 115 AGENTS AGE					
c. Address 405 Capitol St Sie 808 Charleston, WV 25301-1730 h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Bass of the Charge Get Frich a clear and consider statement of the fracts constituting the alleged unfair labor practices)  Since about December 8, 2014 the above-named labor organization has failed to meet its duty of fair representation to employees who will retire in failing to enforce contract provisions regarding insurance benefits for retiree's spouse.  3. Name of Employer  CLEARON CORP  4a. Tel No.  7b \( \frac{7b \in - 20ab}{4} \)  4c. Fax No.  (304)444-796  4d. e-Mail (304)444-796  4d. e		RS.					
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Charleston, WV 25301-1730  f. Fax No.  g. e-Mail cmiller@local400.org  h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act, are unfair practices affecting commerce within the meaning of the Act and the Pick Act and th	c. Address		d. Tel. No.	e. Cell No.			
Charleston, WV 25301-1730  f. Fax No.  g. e-Mail cmiller@local400.org  h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act, or a unfair practices affecting commerce within the meaning of the Act, or a unfair practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act, or a unfair practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the meaning of the Act and the Practices affecting commerce within the Meaning and Infair labor practices affecting commerce within the Meaning and Infair labor practices affecting commerce within the Act and the Practices affecting commerce within the Act and	405 Capitol St Ste 808		(304)459-3400	(304)629	9-2864		
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3. Name of Employer CLEARON CORP  4a. Tel. No. 70 4 796 - 3000 4c. Fax No. (304)744-7694 5. Location of Plant involved (street, city, state, and ZIP code) 4. Eax No. (304)744-7694 6. Employer representative to contact MIKE STRUBLE 7. Type of Establishment (factory, mine, wholesaler) factory (5) (6) (7) (6) (7) (6)  11a Tel. No. (b) (6), (b) (7) (c)  11b. Cell No. (b) (6), (b) (7) (c)  11c. Fax No. (b) (6), (b) (7) (c)  12. DECLARATION 1 declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  (6), (b) (7) (c)  1 declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  (6), (b) (7) (c)  1 declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  (6), (b) (7) (c)  1 declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  (6), (b) (7) (c)  1 declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  (6), (b) (7) (c)  1 declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  (6), (b) (7) (c)  1 declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  (6), (6), (6), (7) (C)  1 declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.  (6), (6), (6), (7) (C)	Since about December 8, 2014 the above-	named labor orga	anization has faile	d to meet it	s duty of fair		
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3. Name of Employer CLEARON CORP  4a. Tel. No. 75 4-716-3080 4c. Fax No. (304)744-7694 4d. e-Mail (304)744-7694  5. Location of Plant involved (street, city, state, and ZIP code) 95 MacCorkle Ave SW, South Charleston, WV 25303-1411 MIKE STRUBLE  7. Type of Establishment (factory, mine, wholesaler) factory 10 Entitional filips charge bleach 11a Tel. No. 11b. Cell No. (b) (6), (b) (7)(C) 11c. Fax No. (b) (6), (b) (7)(C) 11c. Fax No. (b) (6), (b) (7)(C) 11c. Fax No. (c) (b) (6), (b) (7)(C) 11d. Address of party filips charge (street city, state, and ZIP code) 12. DECLARATION 1. declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. Tel No. (c) (d), (b) (7)(C) 11c. Fax No. (d) (e), (f), (f), (f), (f), (f), (f), (f), (f		•	347.17		•		
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12 /16 /14 (b) (b) (c) (c)			, ,	(b) (C)	(b) (7)(C)		
			12/16/1	4 (b) (6)	), (b) (7)(C)		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006) The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes

(b) (6), (b) (7)(C)

REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

February 26, 2015

(b) (6), (b) (7)(C)

Re: UNITED FOOD AND COMMERCIAL

WORKERS, LOCAL 400, AFL-CIO

(Clearon Corp.) Case 09-CB-143238

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because the charge was filed outside the period set forth in Section 10(b) of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at <a href="https://www.nlrb.gov">www.nlrb.gov</a>. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at <a href="https://www.nlrb.gov">www.nlrb.gov</a>, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on March 12, 2015. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 11, 2015. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO (Clearon Corp.) Case 09-CB-143238

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 12, 2015.** The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 12, 2015, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Garey Edward Lindsay

Garey Edward Lindsay Regional Director

## Enclosure

cc: Chuck Miller, United Food and Commercial Workers, Local 400, AFL-CIO 405 Capitol St. Ste 808, Charleston, WV 25301-1730

Carey R. Butsavage, Esq., Butsavage & Durkalski, P.C., 1920 L Street, N.W., Suite 301, Washington, DC 20036-5037

Mike Struble, Clearon Corp, 95 MacCorkle Ave SW, South Charleston, WV 25303-1411

Kevin L. Carr, Esq., Spilman, Thomas & Battle, PLLC, PO Box 273, Charleston, WV 25321-0273

Alyesha A. Dotson, Spilman Thomas & Battle, PLLC, PO Box 273, Charleston, WV 25321-0273

Form NLRB - 501 (2-08)

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER **INSTRUCTIONS:** 

DO NOT WRITE IN THIS SPACE							
Case	Date Filed						
09-CA-143235	December 19, 2014						

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT a. Name of Employer h Tel No (304)746-3000 CLEARON CORP c. Cell No. d. Address (street, city, state ZIP code) e. Employer Representative f. Fax No.

95 MacCorkle Ave SW MIKE STRUBLE (304)744-7694 South Charleston, WV 25303-1411 g. e-Mail h. Dispute Location (City and State) SOUTH CHARLESTON, WV i. Type of Establishment (factory, nursing horne, j. Principal Product or Service k. Number of workers at dispute location hotel) factory bleach 70

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On about December 8, 2014 the above-named employer unilaterally changed health insurance benefits for current and future retiree's spouses.

(b) (6), (b) (7)(C)	ization, give full name, including lo	cal name and number)
4a. Addréss (street and number, ci (b) (6), (b) (7)(C)	v, state, and ZIP code)	4b (b) (b) (7)(c)
		(b) (6), (b) (7)(C)
		4d. Fax No.
		(b) (6), (b) (7)(C)
organization) UFC LOCAL	400	or constituent unit (to be filled in when charge is filed by a labor
	MMERCIAL WARKERS LOCAL 400	
6. DECLARATION		Tel. No.

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief (b) (6), (b) (7)(C)

ge)

(b) (b), (b) (7)(C) Office, if any, Cell No.

(b) (6), (b) (7)(C)

Fax No.

(b) (6) (b) (7)(0)

(b) (6), (b) (7)(C)

Addre

Date

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

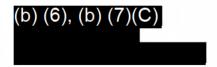
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the b) (6), (b) (7)(C) NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686

Fax: (513)684-3946

February 26, 2015



Re: CLEARON CORP Case 09-CA-143235

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that CLEARON CORP has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because the charge was filed outside the period set forth in Section 10(b) of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at <a href="https://www.nlrb.gov">www.nlrb.gov</a>. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at <a href="https://www.nlrb.gov">www.nlrb.gov</a>, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on March 12, 2015. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 11, 2015. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an

extension of time is **received on or before March 12, 2015.** The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 12, 2015, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Garey Edward Lindsay

Garey Edward Lindsay Regional Director

## Enclosure

cc: Mike Struble Clearon Corp 95 MacCorkle Ave SW South Charleston, WV 25303-1411

> Kevin L. Carr, Esq. Spilman, Thomas & Battle, PLLC PO Box 273 Charleston, WV 25321-0273

Alyesha A. Dotson Spilman Thomas & Battle, PLLC PO Box 273 Charleston, WV 25321-0273

PORM EXEMPT UNDER 44 U.S.C 3612

INTERNET FORM NLRB-508

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

DO NOT WRITE IN THIS SPACE					
Case	Date Filed				
09-CB-088423	August 31, 2012				

(2-68)**CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS** 

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged to	unfair labor practice occurred or is occurring.
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH	
6. Name  Local 400 AFL-CIO	Chuck miller
United Food + Commencial Workers Union - Address (Street, city, state, and ZIP adde)	d. Tel. No.   e. Cell No.
1	304-343-7682 304-629-2864 f. Fax No. g. o-Mail
412 TENN. Ave. Charleston W.U.	
h. The above-named organization(c) or its agents has (have) engaged in and is (are)engaging in u	long Labor Relations Act, and those untak labor practices
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the allege	ed unfair labor practices)
The union will not give the employed that was f	avers A signed copy
of the contract that was f	PASSECY ON 1919111
	Ì
4 - 0 0 1	
2 The Reserve Lor A Secrete Cook Fo	s due to the union
1 15 15 14 15 15 15 15 15 15 15 15 15 15 15 15 15	
+ the co. have contracts that do	n't match
+ the co. have contracts that do	n't match
+ the co. have contracts that do	
+ the co. have contracts that do	304-746-3000 4a. Tel. No. b. Call No.
t the co. have contracts that do	304-746-3000 4a. Tel. No. b. Call No.
+ the co. have contracts that do	304-746-3000 4a. Tel. No. b. Call No.
the co. have contracts that do.  3 Name of Employer  Clearon Corp	304-746-3000 4a. Tel. No. b. Call No.
t the co. have contracts that do	304-746-3000 4a. Tel. No. b. Call No.
the co. have contracts that do.  3 Name of Employer  Clearon Corp  5. Location of plant involved (street, olly, state and ZIP code)	4a. Tel. No. 3CH b. Call No. 3CH d. e-Mail.  6. Employer representative to contact
the co. have contracts that do.  3 Name of Employer  Clearon Corp	4a. Tel. No.  4a. Tel. No.  5. Fax No.  6. Employer representative to contact  Mile Stryble
the co. have contracts that do.  3 Name of Employer  Clearon Corp  5. Location of plant involved (etroet, oily, state and ZIP code)  95 McCorkle Aue So. Chas. W.U.  7. Type of establishment (factory, mine, wholesalor, etc.)  8. Identify principal produc	4a. Tel. No.  4a. Tel. No.  3CH  6. Employer representative to contact  Mile Stryle  tor service 9. Number of workers employed
the co. have contracts that do.  3 Name of Employer  Clearon Corp  5. Location of plant involved (above, only, state and ZIP code)  95 McCop kle Aue So. Chas. W.U.	da. Tel. No.  304  6. Employer representative to contact  Mile Stryle  tor service  9. Number of workers employed  73  Ultimat employer
the co. have contracts that do.  3 Name of Employer  Clearon Corp  5. Location of plant involved (alreet, only, state and ZIP code)  95 McCorkle Ave So. Chas. W.U.  7. Type of establishment (factory, mino, wholesalor, etc.)  Bleach	4a. Tel. No.  4a. Tel. No.  5. Call No.  6. Employer representative to contact  7. Call No.  7.
the co. have contracts that do.  3 Name of Employer  Clearon Corp  5. Location of plant involved (atreet, oily, state and ZIP code)  95 McCor Lle Aue So. Chas. W.U.  7. Type of establishment (factory, mino, wholesalor, etc.)  Bleach  10. Full trame of party fling charge	da. Tel. No.  304  6. Employer representative to contact  Mile Stryle  tor service  9. Number of workers employed  73  Ultimat employer
3 Name of Employer  Clearon Corp  5. Location of plant involved (street, oily, state and ZIP code)  95 McCorkle Aue So. Chas. W.U.  7. Type of establishment (factory, mino, wholesalor, etc.)  10. Full trame of party fling charge  (b) (6), (b) (7)(C)	4a. Tel. No. 3CH 6. Employer representative to contact  Mile Stay be tor service 9. Number of workers employed  73  Ultimate Property expenses  (b) (6), (b) (7)(C)  6. Fax No.  (c) Fax No.  (d) (e) (f) (f) (f) (f) (f) (f) (f) (f) (f) (f
3 Name of Employer  Clearon Corp  5. Location of plant involved (atrock, oily, state and ZIP code)  95 McCop kle Aue So. Chas. W.U.  7. Type of establishment (factory, mino, wholesaler, etc.)  EActory  Bleach  10. Full trame of party filing charge  (b) (6), (b) (7)(C)  11. Nooresa of party ming charge revised. Chy, assis and zir code.)	4a. Tel. No. 3CH 6. Employer representative to contact  Mile Stay be tor service 9. Number of workers employed  73  Ultimate Property expenses  (b) (6), (b) (7)(C)  6. Fax No.  (c) Fax No.  (d) (e) (f) (f) (f) (f) (f) (f) (f) (f) (f) (f
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3 Name of Employer  Clearon Corp  5. Location of plant involved (street, oily, state and ZIP code)  95 McCorp Kle Aue So. Chas. W.U.  7. Type of establishment (factory, mine, wholesaler, etc.)  Each or u  10. Full trame of party filing charge  (b) (6), (b) (7)(C)  (b) (6), (b) (7)(C)	4a. Tel. No.  3c4 - 133 - 133 d. e-Mail  6. Employer representative to contact  Mile Stryle  2 or service  9. Number of workers employed  73 Usion 2 Employer  (b) (6), (b) (7)(C)  6. Fax No.  (b) (6), (b) (7)(C)  73 Usion 2 Employer  (c) Fax No.  (d) (e), (f)
3 Name of Employer  Clearon Corp  5. Location of plant involved (atrock, oily, state and ZIP code)  95 McCop kle Aue So. Chas. W.U.  7. Type of establishment (factory, mino, wholesaler, etc.)  EActory  Bleach  10. Full trame of party filing charge  (b) (6), (b) (7)(C)  11. Nooresa of party ming charge revised. Chy, assis and zir code.)	4a. Tel. No. 3CH B. Call No. 3CH B. Call No.  c. Fax No.  d. e-Mail.  d. e-Mail.  c. Fax No.  (b) (6), (b) (7)(C)  c. Fax No.  (b) (6), (b) (7)(C)  d. e-Mail.  (c) (b) (6), (b) (7)(C)  d. e-Mail.  (d) (e) (f) (f) (f) (f) (f) (f) (f) (f) (f) (f
3. Name of Employer  Clearon Corp  5. Location of plant involved (street, oily, state and ZIP code)  95. McCor Lle Aue So. Chas. W.U.  7. Type of establishment (factory, mine, wholesaler, etc.)  EActory  10. Full name of party filing change (b) (6), (b) (7)(C)  (b) (6), (b) (7)(C)  Sclanation  (and control of party filing change (b) (6), (b) (7)(C)	4a. Tel. No.  3c4 - 133 - 133 d. e-Mail  6. Employer representative to contact  Mile Stryle  2 or service  9. Number of workers employed  73 Usion 2 Employer  (b) (6), (b) (7)(C)  6. Fax No.  (b) (6), (b) (7)(C)  73 Usion 2 Employer  (c) Fax No.  (d) (e), (f)
The Co. have contracts that do.  Name of Employer  Clearon Cort  5. Location of plant involved (atroct, oity, state and ZIP code)  7. Type of establishment flactory, mine, wholesaker, etc.)  1. Each or y  10. Full trame of party filing charge  (b) (6), (b) (7)(C)  (b) (6), (b) (7)(C)  (c) GLANATION  (c) GLANATION  (c) Generally  (d) (6), (b) (7)(C)	4a. Tel. No. 3c4 - 133 - 133 d. e-Mail  6. Employer representative to contact  113. Tel. No. (b) (6), (b) (7)(c) (b) (6), (b) (7)(c)  114. Tel. No. (b) (6), (b) (7)(c)  115. Tel. No. (b) (6), (b) (7)(c)  116. (b) (6), (b) (7)(c)  117. Tel. No. (b) (6), (b) (7)(c)  118. Tel. No. (b) (6), (b) (7)(c)  119. Tel. No. (b) (6), (b) (7)(c)  119. Tel. (b) (6), (b) (7)(c)  119. Tel. (b) (6), (b) (7)(c)
3. Name of Employer  Clearon Corp  5. Location of plant involved (atroct, oity, state and ZIP code)  7. Type of establishment (factory, mine, wholesaker, etc.)  10. Full trame of party filing charge  (b) (6), (b) (7)(C)  (b) (6), (b) (7)(C)  (c)	4a. Tel. No. 3c4 - 133 - 133 d. e-Mail  6. Employer representative to contact  113. Tel. No. (b) (6), (b) (7)(c) (b) (6), (b) (7)(c)  114. Tel. No. (b) (6), (b) (7)(c)  115. Tel. No. (b) (6), (b) (7)(c)  116. (b) (6), (b) (7)(c)  117. Tel. No. (b) (6), (b) (7)(c)  118. Tel. No. (b) (6), (b) (7)(c)  119. Tel. No. (b) (6), (b) (7)(c)  119. Tel. (b) (6), (b) (7)(c)  119. Tel. (b) (6), (b) (7)(c)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 (LS.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair tabor practice and related proceedings or fitigation. The notions uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-45 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB in voluntary, however, faiture to supply the information will cause the NLRB to decline to invoke its processes.

# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

NATIONAL LABOR F
REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3222

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

October 17, 2012

JEFFREY DANIEL LEWIS, ESQ., GENERAL COUNSEL UNITED FOOD & COMMERCIAL WORKERS UNION, LOCAL 400 4301 GARDEN CITY DR, STE 400 LANDOVER, MD 20785-6103

Re: UNITED FOOD AND COMMERCIAL

WORKERS UNION, LOCAL 400,

AFL-CIO (Clearon Corp) Case 09-CB-088423

Dear Mr. Lewis:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Gary W. Muffley Regional Director

cc: CHUCK MILLER, UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO, 405 CAPITAL STREET, SUITE 808, CHARLESTON, WV 25301

JAMES WOODROW STEWART, 12 MOUNTAIN TOP CIR, SOUTH CHARLESTON, WV 25309-9642 MIKE STRUBLE, CLEARON CORP, 95 MCCORKLE AVENUE, SOUTH CHARLESTON, WV 25309

KEVIN L. CARR, ESQ., SPILMAN, THOMAS & BATTLE, PLLC, 300 KANAWHA BOULEVARD, P.O. BOX 273, CHARLESTON, WV 25321-0273

 				FORM	1 EXE	NPT	UNDER	44	U.S.C
2	NOT	MOITE	IMI	THIC	CDA	CE			

INTERNET	UNITED STATES		D.C.			DO N	IOT WRITE	IN THIS SPACE	
FORM NLRB-502 (2-08)		LABOR RELATIONS BOART Case No.					. 1.4	e Filed uity 15, 2011	
INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.									
The Petitioner alleges that the follow						<u> </u>			
Petitioner desires to be cer RM-REPRESENTATION (I representative of employee RD-DECERTIFICATION (F representative is no longe UD-WITHDRAWAL OF UN covered by an agreement b UC-UNIT CLARIFICATION (Check one) In unit no	on of the type of petition shall representative - A substatified as representative of the camployer Petition) - One is of Petitioner.  IEMOVAL OF REPRESENTA er their representative.  IION SHOP AUTHORITY (RE letween their employer and a let a labor organization is curre	not be deemed made.)  Intial number of employees.  For more individuals of the control of the co	(Checoyees I habor I numb IION T Ire that Inployed In C	ck One) wish to be organizationer of empl O PAY DU t such author, but Petition	represent ons have properties loyees ass ES) - Thir ority be res oner seeks	ed for purposes resented a clain sert that the ce by percent (30% cinded.	of collective to Petitione rtified or cu	e bargaining by Petitioner and or to be recognized as the rrently recognized bargaining employees in a bargaining unit	
2. Name of Employer		Employer Represent		contact			Tel. No		
Clearon Corporation		Scott Johnson	1				304-	746-4155	
<ol> <li>Address(es) of Establishment(s) in 95 MacCorkle Ave., S.W. South C</li> </ol>	•	ity, State, ZIP code)					Fax No. 304-	744-7694	
4a. Type of Establishment (Factory,	mine, wholesaler, etc.)		4b. id	dentify princ	cipal produ	ct or service	Cell No		
Factory			Che	micals			e-Mail		
5. Unit involved (In UC petition, desc	ribe present bargaining unit a	nd attach description	of prop	osed clarifi	ication.)	······································	6a. Nu	mber of Employees in Unit:	
Included Store Room Department Technicia	ns and employees			-			Present		
Excluded All other employees								ed (By UC/AC)	
(If you have checked box RC in 1 ab	ove, check and complete EITH	IER item 7a or 7b, wh	icheve	r is applica	ble)		employee	s petition supported by 30% or more of the es in the unit?*	
recognition on or about (D	gnized as Bargaining Represe	(If no i	reply re	ceived, so		Affiliation		and Employer declined	
Address			Tel.	No.		Date of Red	cognition or	Certification	
		•	Cell i	No.		Fax No.	<del>.</del>	e-Mail	
9. Expiration Date of Current Contrac	t. If any (Month, Day, Year)					above, show he th, Day and Yea		of execution of	
11a. Is there now a strike or picketing Involved? Yes	at the Employer's establishme No ✓	ent(s)	11b. ii	f so, approx	kimately ho	w many employ	ees are par	icipating?	
1c. The Employer has been picketed	by or on behalf of (Insert Nar	ne)				·		, a labor	
organization, of (Insert Address)						Since (Month,			
<ol> <li>Organizations or individuals other and individuals known to have a repre</li> </ol>							n as represe	entatives and other organizations	
Name		Address			Te	l. No.		Fax No.	
None	Cell No.					e-Mail			
3. Full name of party filing petition (If labor organization, give full name, including local name and number) United Food and Commercial Workers Union, Local 400									
4a. Address (street and number, city, state, and ZIP code) Suite 400, 4301 Garden City Drive, Landover MD 20785				İ	4b. Tel. No. EXT 14c. Fax No. 301-459-3400 301-459-2780		459-2780		
•				ľ	14d. Cell N		14e. e		
5. Full name of national or internation	nal labor organization of which	Petitioner is an affiliat	e or co	nstituent <i>(t</i>	o be filled i	n when petilion	is filed by a	labor organization)	
declare that I have read the above ame (Print)	petition and that the statem				ledge and	belief.	Title (if any	1	
Charles S. Miller		Signaldi	han	less	m lle	1		Activity Director	
ddress <i>(street and number, city, state</i> 412 Tennessee Ave., Charleston W					04-629	-2864	Fax No. 3	04-346-9670	
			Cell No. eMail			1			

Cell No.

REGION 9

		Date Filed
CLEARON CORPORATION	Case No. 9-RC-061271	7/15/2011
Employer	Date Issued FRIDAY, AUG	UST 26, 2011
and		
UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 400	Type of Election (Check one:)  XX Stipulation	(If applicable check either or both:)
Petitioner	☐ Board Direction ☐ Consent Agreement ☐ RD Direction	□ Mail Ballot  NONE
	Incumbent Union (Code)	
TALLY O	F BALLOTS	
The undersigned agent of the Regional Direct		
cast in the election held in the above case, and con		2
Approximate number of eligible voters		<u>&amp;</u> _
2. Number of Void ballots		<u>O</u>
3. Number of Votes cast forPETITIONER		<u></u>
4. Number of Votes cast for		
5. Number of Votes cast for		
6. Number of Votes cast against participating labor organizatio	n(s)(	<u>O</u>
7. Number of Valid votes counted (sum of 3, 4, 5, and 6)		
8. Number of Challenged ballots		<u>0</u>
9. Number of Valid votes counted plus challenged ballots (sum	of 7 and 8)	<u>2</u>
10. Challenges are (not) sufficient in number to affect the result	s of the election.	
11. A majority of the valid votes counted plus challenged ballots	(Item 9) has (not) been cast for	UNITED FOOD AND
COMMERCIAL WORKERS UNION, LOCAL 400		
For the Regional Director	Esia S	Lil
The undersigned acted as authorized observers in the way we hereby certify that the counting and tabulating ballots was maintained, and that the results were as in (b) (6), (b) (7)(C)	were fairly and accurately done,	that the secrecy of the
For	For	

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD REGION 09

**CLEARON CORPORATION** 

Employer

and

UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 400

Petitioner

Case 09-RC-061271

**TYPE OF ELECTION: STIPULATED** 

## **CERTIFICATION OF REPRESENTATIVE**

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for

# UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 400

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.

**Unit**: All full-time and regular part-time stores technicians in the stores department employed by the Employer at its 95 MacCorkle Avenue, SW, Charleston, West Virginia facility, but excluding all other employees and all professional employees, guards and supervisors as defined in the Act.



September 6, 2011

/s/ Gary W. Muffley

Gary W. Muffley Regional Director, Region 09 National Labor Relations Board

## NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances, an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

<sup>1</sup> Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.